

**Introduced by Senator McGuire**

February 18, 2016

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An act to amend Sections 49430, 49430.5, 49430.7, 49431, 49431.2, 49431.5, 49431.7, and 49432 of the Education Code, relating to pupil nutrition.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1169, as introduced, McGuire. Pupil nutrition: competitive food service and standards.

Existing federal law establishes nutritional standards for all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 available for sale to pupils on the school campus during the schoolday.

Existing state law establishes nutritional standards for all food and beverages sold or served to pupils in elementary, middle, and high school.

This bill would update state law to conform to the federal standards. To the extent these changes would impose new duties on school districts and county offices of education, the bill would impose a state-mandated local program.

Existing law requires every public school to post the school district's nutrition and physical activity policies, in public view within all school cafeterias or other central eating areas.

This bill would, instead, require every public school to inform the public about the content of the school's local school wellness policy and make the local school wellness policy and any updates to the policy available to the public on an annual basis, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 49430 of the Education Code is amended  
2 to read:

3     49430. As used in this article, the following terms have the  
4 following meanings:

5     (a) ~~“Elementary school” means a school operated and maintained~~  
6 ~~by a school district or county office of education that maintains~~  
7 ~~any grade from kindergarten to grade 6, inclusive, but no grade~~  
8 ~~higher than grade 6.~~

9     (b) ~~“Middle school” means a school operated and maintained~~  
10 ~~by a school district or county office of education that maintains~~  
11 ~~grade 7 or 8, 7 to 9, inclusive, or 7 to 10, inclusive.~~

12     (c) ~~“High school” means a school operated and maintained by~~  
13 ~~a school district or county office of education maintaining any of~~  
14 ~~grades 9 to 12, inclusive.~~

15     (d) ~~“Full meal” means a combination of food items that meet~~  
16 ~~USDA-approved School Breakfast Program or National School~~  
17 ~~Lunch Program meal pattern requirements.~~

18     (e) ~~“Added sweetener” means an additive other than 100 percent~~  
19 ~~fruit juice that enhances the sweetness of a beverage.~~

20     (f) ~~“Sold” means the exchange of food or beverages for money,~~  
21 ~~coupons, vouchers, or order forms, when any part of the exchange~~  
22 ~~occurs on a school campus.~~

23     (a) *“Added sweetener” means an additive other than 100*  
24 *percent fruit juice that enhances the sweetness of a beverage.*

1     (b) “Combination foods” means products that contain two or  
2     more components representing two or more of the recommended  
3     food groups: fruit, vegetable, dairy, protein, or grains.

4     (c) “Competitive foods” means all food and beverages other  
5     than meals reimbursed under programs authorized by the federal  
6     Richard B. Russell National School Lunch Act (Public Law 113-79)  
7     and the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771  
8     et seq.) available for sale to pupils on the school campus during  
9     the schoolday.

10    (d) “Deep fried” means a food item that is cooked by total  
11    submersion in oil or fat.

12    (e) “Elementary school” means a school operated and  
13    maintained by a school district or county office of education that  
14    maintains any grade from kindergarten to grade 6, inclusive, but  
15    no grade higher than grade 6.

16    ~~(g)~~

17    (f) “Entrée” means a food that is generally regarded as being  
18    the primary food in a meal, and shall include, but not be limited  
19    to, sandwiches, burritos, pasta, and pizza.

20    ~~(h) “Snack” means a food that is generally regarded as~~  
21    ~~supplementing a meal, including, but not limited to, chips, crackers,~~  
22    ~~onion rings, nachos, french fries, donuts, cookies, pastries,~~  
23    ~~cinnamon rolls, and candy.~~

24    (g) “Flash fried” means a food item that is quickly fried on both  
25    sides in oil with a temperature of 400 degrees Fahrenheit or higher.

26    (h) “High school” means a school operated and maintained by  
27    a school district or county office of education maintaining any of  
28    grades 9 to 12, inclusive.

29    (i) “Middle school” means a school operated and maintained  
30    by a school district or county office of education that maintains  
31    grade 7 or 8, grades 7 to 9, inclusive, or grades 7 to 10, inclusive.

32    (j) “Par fried” means a food item that is fried to reach an  
33    internal temperature of 160 degrees Fahrenheit then it is cooled  
34    to room temperature so that it may be refrigerated or frozen for  
35    future frying.

36    (k) “School campus” means all areas of the property under the  
37    jurisdiction of the school that are accessible to pupils during the  
38    schoolday.

39    ~~(i) “Deep fried” means a food item is cooked by total submersion~~  
40    ~~in oil or fat.~~

(j) ~~“Par fried” means a food item is fried to reach an internal temperature of 160 degrees Fahrenheit then is cooled to room temperature so that it may be refrigerated or frozen for future frying.~~

(k) ~~“Flash fried” means a food item is quickly fried on both sides in oil with a temperature of 400 degrees Fahrenheit or higher.~~

(l) *“School day” means the period from the midnight before to 30 minutes after the end of the official school day.*

(m) *“Snack” means a food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, yogurt, cheese, nuts, seeds, fruit, or vegetables.*

(n) *“Sold” means the exchange of food or beverages for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.*

SEC. 2. Section 49430.5 of the Education Code is amended to read:

49430.5. (a) The reimbursement a school receives for free and reduced-price meals sold or served to pupils in elementary, middle, or high schools included within a school district, charter school, or county office of education shall be twenty-two and seventy-one hundredths cents (\$0.2271) per meal, and, for meals served in child care centers and homes, the reimbursement shall be sixteen and ninety-one hundredths cents (\$0.1691) per meal.

(b) To qualify for the reimbursement for free and reduced-price meals provided to pupils in elementary, middle, or high schools, a school shall follow the ~~Enhanced Food-Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern~~ developed by the United States Department of Agriculture ~~or the SHAPE Menu Patterns developed by the state.~~ *meal pattern.*

(c) The reimbursement rates set forth in this section shall be adjusted annually for increases in cost of living in the same manner set forth in Section 42238.1.

SEC. 3. Section 49430.7 of the Education Code is amended to read:

49430.7. (a) For purposes of this section, the following terms have the following meanings:

(1) ~~“School” means a school operated and maintained by a school district or county office of education, or a charter school.~~

(2) ~~“School district” means a school district, charter school, or county office of education.~~

1 ~~(3) “Child development program” means a program operated~~  
2 ~~pursuant to Chapter 2 (commencing with Section 8200) of Part 6~~  
3 ~~of Division 1 of Title 1.~~

4 (1) *“Child development program” means a program operated*  
5 *pursuant to Chapter 2 (commencing with Section 8200) of Part 6*  
6 *of Division 1 of Title 1.*

7 (2) *“School” means a school operated and maintained by a*  
8 *school district or county office of education, or a charter school.*

9 (3) *“School district” means a school district, charter school,*  
10 *or county office of education.*

11 (b) As a condition of receipt of funds pursuant to Section  
12 49430.5, commencing with the 2007–08 fiscal year, for meals and  
13 food items sold as part of the free and reduced-price meal  
14 programs, a school or school district shall comply with all of the  
15 following requirements and prohibitions:

16 (1) ~~Follow the United States Department of Agriculture (USDA)~~  
17 ~~nutritional guidelines or the menu planning options of Shaping~~  
18 ~~Health as Partners in Education developed by the state (SHAPE~~  
19 ~~California network).~~ *meal pattern.*

20 (2) Not sell or serve a food item that has in any way been deep  
21 fried, par fried, or flash fried by a school or school district.

22 (3) Not sell or serve a food item containing artificial trans fat.  
23 A food item contains artificial trans fat if it contains vegetable  
24 shortening, margarine, or any kind of hydrogenated or partially  
25 hydrogenated vegetable oil, unless the manufacturer’s  
26 documentation or the label required on the food, pursuant to  
27 applicable federal and state law, lists the trans fat content as less  
28 than 0.5 gram per serving.

29 (4) Not sell or serve a food item that, as part of the  
30 manufacturing process, has been deep fried, par fried, or flash fried  
31 in an oil or fat that is prohibited by this paragraph. Oils and fats  
32 prohibited by this paragraph include, but are not limited to, palm,  
33 coconut, palm kernel, *and* lard, typically solid at room temperature  
34 and are known to negatively impact cardiovascular health. Oils  
35 permitted by this paragraph include, but are not limited to, canola,  
36 safflower, sunflower, corn, olive, soybean, peanut, or a blend of  
37 these oils, typically liquid at room temperature and are known for  
38 their positive cardiovascular benefit.

39 (c) ~~Commencing with the 2007–08 fiscal year, for~~ *For* meals  
40 and food items sold as part of the free and reduced-price meal

1 programs, a child development program is encouraged to comply  
2 with all of the following guidelines:

3 (1) Meet developmentally and programmatically appropriate  
4 meal pattern and ~~meal planning requirements developed by the~~  
5 ~~USDA or menu planning options of Shaping Health as Partners in~~  
6 ~~Education developed by the state (SHAPE California network).~~  
7 *the United States Department of Agriculture meal pattern.*

8 (2) Not sell or serve a food item that has in any way been deep  
9 fried, par fried, or flash fried by a school, school district, or child  
10 development program.

11 (3) Not sell or serve a food item containing artificial trans fat.  
12 A food item contains artificial trans fat if it contains vegetable  
13 shortening, margarine, or any kind of hydrogenated or partially  
14 hydrogenated vegetable oil, unless the manufacturer's  
15 documentation or the label required on the food, pursuant to  
16 applicable federal and state law, lists the trans fat content as less  
17 than 0.5 gram per serving.

18 (4) Not sell or serve a food item that, as part of the  
19 manufacturing process, has been deep fried, par fried, or flash fried  
20 in an oil or fat prohibited by this paragraph. Oils and fats prohibited  
21 by this paragraph include, but are not limited to, palm, coconut,  
22 palm kernel, *and* lard, typically solid at room temperature and are  
23 known to negatively impact cardiovascular health. Oils permitted  
24 by this provision include, but are not limited to, canola, safflower,  
25 sunflower, corn, olive, soybean, peanut, or a blend of these oils,  
26 typically liquid at room temperature and are known for their  
27 positive cardiovascular benefit.

28 ~~(d) The prohibitions and requirements of this section regarding~~  
29 ~~food items sold or served by a school or school district apply to~~  
30 ~~raw bulk USDA commodity foods ordered by schools or school~~  
31 ~~districts and sent to commercial processors for conversion into~~  
32 ~~ready to use end products, but do not apply to other USDA~~  
33 ~~commodity foods until the scheduled 2009 reauthorization of the~~  
34 ~~USDA National School Lunch Program is complete or ingredient~~  
35 ~~and nutrition information is available for all USDA commodity~~  
36 ~~foods, whichever is earlier.~~

37 (e)

38 (d) As a condition of receipt of funds pursuant to Section  
39 49430.5, ~~by no later than June 30, 2008, and annually thereafter,~~  
40 schools and school districts shall provide the department with an

1 annual certification of compliance with the provisions of this  
2 section.

3 (f)

4 (e) This section shall become operative only upon an  
5 appropriation for its purposes in the annual Budget Act or another  
6 statute.

7 SEC. 4. Section 49431 of the Education Code is amended to  
8 read:

9 49431. (a) ~~(1) From one-half hour the midnight before the~~  
10 ~~start of the schoolday to one-half hour 30 minutes after the end of~~  
11 ~~the official schoolday, at each elementary school, the only food~~  
12 ~~competitive foods that may be sold to a pupil are full meals,~~  
13 ~~individually sold dairy or whole grain foods, and individually sold~~  
14 ~~portions of nuts, nut butters, seeds, eggs, cheese packaged for~~  
15 ~~individual sale, fruit, vegetables that have not been deep fried, and~~  
16 ~~legumes. fruit, vegetable, dairy, protein, or whole grain rich food~~  
17 ~~items; foods with a fruit, vegetable, dairy, protein, or whole grain~~  
18 ~~item as its first ingredient; or combination foods containing at~~  
19 ~~least one-quarter cup of fruit or vegetable; that meets the following~~  
20 ~~standards:~~

21 ~~(2) An individually sold dairy or whole grain food item, and~~  
22 ~~individually sold portions of nuts, nut butters, seeds, eggs, cheese~~  
23 ~~packaged for individual sale, fruit, vegetables that have not been~~  
24 ~~deep fried, and legumes may be sold to pupils at an elementary~~  
25 ~~school, except food sold as part of a USDA meal program, if they~~  
26 ~~meet all of the following standards:~~

27 (A)

28 (1) Not more than 35 percent of its total calories shall be from  
29 fat. This ~~subparagraph~~ *paragraph* shall not apply to individually  
30 sold portions of nuts, nut butters, seeds, ~~eggs, seed butters,~~  
31 ~~reduced-fat cheese or part skim mozzarella cheese~~ packaged for  
32 individual sale, ~~fruit, fruits,~~ vegetables that have not been deep  
33 fried, ~~or legumes. seafood, or a dried fruit and nut and seed~~  
34 ~~combination.~~

35 ~~(B) Not more than 10 percent of its total calories shall be from~~  
36 ~~saturated fat. This subparagraph shall not apply to eggs or cheese~~  
37 ~~packaged for individual sale.~~

38 (2) *Less than 10 percent of its total calories shall be from*  
39 *saturated fat. This paragraph shall not apply to reduced-fat cheese*  
40 *or part skim mozzarella cheese packaged for individual sale, nuts,*

1 *nut butters, seeds, seed butters, or a dried fruit and nut and seed*  
2 *combination.*

3 ~~(C)~~

4 (3) Not more than 35 percent of its total weight shall be  
5 composed of sugar, including naturally occurring and added sugar.  
6 This ~~subparagraph~~ *paragraph* shall not apply to ~~fruit or fruits,~~  
7 ~~vegetables that have not been deep-fried,~~ *fried, or a dried fruit and*  
8 *nut and seed combination.*

9 (4) *Contains less than 0.5 grams of trans fat per serving.*

10 (5) *Contains not more than 200 milligrams of sodium per item,*  
11 *package, or container sold to a pupil.*

12 ~~(D) Not~~

13 (6) *Contains not more than 175 200 calories per individual food*  
14 *item.*

15 (b) An elementary school may permit the sale of food items that  
16 do not comply with subdivision (a) as part of a school fundraising  
17 event in either of the following circumstances:

18 (1) The sale of those items takes place off of and away from  
19 school premises.

20 (2) The sale of those items takes place on school premises at  
21 least one-half hour after the end of the schoolday.

22 (c) It is the intent of the Legislature that the governing board of  
23 a school district annually review its compliance with the nutrition  
24 standards described in this section and Section 49431.5.

25 SEC. 5. Section 49431.2 of the Education Code is amended to  
26 read:

27 49431.2. (a) ~~From one-half hour the midnight before the start~~  
28 ~~of the schoolday to one-half hour 30 minutes after the end of the~~  
29 ~~official schoolday, snacks sold to a pupil in at each middle school~~  
30 ~~or high school, except food served as part of a USDA meal~~  
31 ~~program, shall school, the only competitive snack foods that may~~  
32 ~~be sold to a pupil are fruit, vegetable, dairy, protein, or whole~~  
33 ~~grain rich food items; foods with a fruit, vegetable, dairy, protein,~~  
34 ~~or whole grain item as its first ingredient; or combination foods~~  
35 ~~containing at least one-quarter cup of fruit or vegetable; that meet~~  
36 ~~all of the following standards:~~

37 (1) Not more than 35 percent of its total calories shall be from  
38 fat. This paragraph does not apply to the sale of nuts, nut butters,  
39 seeds, ~~eggs,~~ *seed butters, reduced-fat cheese or part skim*  
40 *mozzarella cheese* packaged for individual sale, fruits, vegetables



1 that have not been deep fried, ~~seafood, or legumes~~; *a dried fruit*  
2 *and nut and seed combination.*

3 (2) ~~Not more~~ Less than 10 percent of its total calories shall be  
4 from saturated fat. This paragraph ~~does shall~~ not apply to ~~eggs or~~  
5 ~~reduced-fat cheese or part skim mozzarella cheese~~ packaged for  
6 individual ~~sale~~; *sale, nuts, nut butters, seeds, seed butters, or a*  
7 *dried fruit and nut and seed combination.*

8 (3) Not more than 35 percent of its total weight shall be  
9 composed of sugar, including naturally occurring and added sugars.  
10 This paragraph ~~does shall~~ not apply to the sale of ~~fruits or~~ *fruits,*  
11 *vegetables that have not been deep fried, fried, or a dried fruit and*  
12 *nut and seed combination.*

13 (4) *Contains less than 0.5 grams of trans fat per serving.*

14 (5) *Contains not more than 200 milligrams of sodium per item,*  
15 *package, or container sold to a pupil.*

16 ~~(4) No~~

17 (6) *Contains not more than* ~~250~~ 200 calories per individual food  
18 item.

19 (b) (1) ~~From one-half hour the midnight before the start of the~~  
20 ~~school day to one-half hour 30 minutes after the end of the official~~  
21 ~~school day, entrée items sold to a pupil in at each middle school~~  
22 ~~or high school, except food served as part of a USDA meal~~  
23 ~~program, shall contain no more than 400 calories per entrée, and~~  
24 ~~shall contain no more than 4 grams of fat per 100 calories contained~~  
25 ~~in each entrée.~~ *school, a competitive entrée sold by the district*  
26 *food service department the day, or the day after, it is served on*  
27 *the federal National School Lunch Program or federal School*  
28 *Breakfast Program menu shall meet the following standards:*

29 (A) *Contains not more than 400 calories per entrée item.*

30 (B) *Not more than 35 percent of its total calories shall be from*  
31 *fat.*

32 (C) *Contains less than 0.5 grams trans fat per serving.*

33 (D) *Is offered in the same or smaller portion sizes as in the*  
34 *federal National School Lunch Program or federal School*  
35 *Breakfast Program.*

36 (2) *From the midnight before to 30 minutes after the end of the*  
37 *official schoolday, at each middle school or high school, a*  
38 *competitive entrée sold by the district food service department but*  
39 *not the day, or the day after, it is served on the federal National*  
40 *School Lunch Program or federal School Breakfast Program menu,*

1 *or a competitive entrée sold by any other entity, shall meet the*  
2 *following standards:*

3 (A) *Not more than 35 percent of its total calories shall be from*  
4 *fat.*

5 (B) *Less than 10 percent of its calories shall be from saturated*  
6 *fat.*

7 (C) *Not more than 35 percent of its total weight shall be*  
8 *composed of sugar, including naturally occurring and added sugar.*

9 (D) *Contains less than 0.5 grams of trans fat per serving.*

10 (E) *Contains not more than 480 milligrams of sodium.*

11 (F) *Contains not more than 350 calories.*

12 (c) A middle school or high school may permit the sale of food  
13 items that do not comply with subdivision (a) or (b) in any of the  
14 following circumstances:

15 (1) The sale of those items takes place off of and away from  
16 school premises.

17 (2) The sale of those items takes place on school premises at  
18 least one-half hour after the end of the schoolday.

19 (d) It is the intent of the Legislature that the governing board  
20 of a school district annually review its compliance with the  
21 nutrition standards described in this section.

22 SEC. 6. Section 49431.5 of the Education Code is amended to  
23 read:

24 49431.5. (a) (1) ~~Regardless of the time of day, only the~~  
25 ~~following beverages may be sold to a pupil at an elementary school:~~  
26 *From the midnight before to 30 minutes after the end of the official*  
27 *schoolday, at each elementary or middle school, the only*  
28 *competitive beverages that may be sold to a pupil are the following:*

29 (A) Fruit-based drinks that are composed of no less than 50  
30 percent fruit juice and have no added-sweetener. *sweetener in a*  
31 *maximum serving size of eight fluid ounces for elementary school*  
32 *or 12 fluid ounces for middle school.*

33 (B) Vegetable-based drinks that are composed of no less than  
34 50 percent vegetable juice and have no added-sweetener. *sweetener*  
35 *in a maximum serving size of eight fluid ounces for elementary*  
36 *school or 12 fluid ounces for middle school.*

37 (C) ~~Drinking~~ Plain drinking water with no added-sweetener.  
38 *sweetener or flavor.*

39 (D) One-percent-fat *unflavored* milk, nonfat *flavored* or  
40 *unflavored* milk, soy milk, rice milk, and other similar nondairy

1 ~~milk~~; milk in a maximum serving size of eight fluid ounces for  
2 elementary school or 12 fluid ounces for middle school.

3 (E) No beverage may contain caffeine with the exception of  
4 trace amounts of naturally occurring caffeine substances.

5 (2) An elementary school or middle school may permit the sale  
6 of beverages that do not comply with paragraph (1) as part of a  
7 school fundraising event in either of the following circumstances:

8 (A) The sale of those items takes place off and away from the  
9 premises of the school.

10 (B) The sale of those items takes place on school premises at  
11 least one-half hour after the end of the schoolday.

12 (3) ~~From one-half hour the midnight before the start of the~~  
13 ~~schoolday to one-half hour to 30 minutes after the end of the official~~  
14 ~~schoolday, only the following beverages may be sold to a pupil at~~  
15 ~~a middle school or at each high school: school, the only competitive~~  
16 ~~beverages that may be sold to a pupil are the following:~~

17 (A) Fruit-based drinks that are composed of no less than 50  
18 percent fruit juice and have no added ~~sweetener~~. ~~sweetener in a~~  
19 ~~maximum serving size of 12 fluid ounces.~~

20 (B) Vegetable-based drinks that are composed of no less than  
21 50 percent vegetable juice and have no added ~~sweetener~~. ~~sweetener~~  
22 ~~in a maximum serving size of 12 fluid ounces.~~

23 (C) ~~Drinking~~ Plain drinking water with no added ~~sweetener~~.  
24 ~~sweetener or flavor.~~

25 (D) One-percent-fat unflavored milk, nonfat flavored or  
26 unflavored milk, soy milk, rice milk, and other similar nondairy  
27 ~~milk~~; milk in a maximum serving size of 12 fluid ounces.

28 (E) Other beverages that are labeled to contain less than five  
29 calories per eight fluid ounces in a maximum serving size of 20  
30 fluid ounces.

31 (F) Other beverages that are labeled to contain no more than  
32 40 calories per eight fluid ounces in a maximum serving size of  
33 12 fluid ounces.

34 (G) Beverages labeled or commonly referred to as sodas, colas,  
35 or soft drinks are not allowed.

36 (H) No beverage may contain caffeine with the exception of  
37 trace amounts of naturally occurring caffeine substances.

38 (4) ~~A middle school or~~ high school may permit the sale of  
39 beverages that do not comply with paragraph (3) as part of a school

1 event if the sale of those items meets either of the following  
2 criteria:

3 (A) The sale of those items takes place off and away from the  
4 premises of the school.

5 (B) The sale of those items takes place on school premises at  
6 least one-half hour after the end of the schoolday.

7 (b) It is the intent of the Legislature that the governing board  
8 of a school district annually review its compliance with this section.

9 (c) Notwithstanding Article 3 (commencing with Section 33050)  
10 of Chapter 1 of Part 20 of Division 2, compliance with this section  
11 may not be waived.

12 SEC. 7. Section 49431.7 of the Education Code is amended to  
13 read:

14 49431.7. (a) ~~From one-half hour the midnight before the start~~  
15 ~~of the schoolday to one-half hour~~ 30 minutes after the end of the  
16 official schoolday, a school or school district shall not sell to pupils  
17 enrolled in kindergarten, or any of grades 1 to 12, inclusive, food  
18 containing artificial trans fat, as defined in subdivision (b).

19 (b) For purposes of this section, a food contains artificial trans  
20 fat if a food contains vegetable shortening, margarine, or any kind  
21 of partially hydrogenated vegetable oil, unless the manufacturer's  
22 documentation or the label required on the food, pursuant to  
23 applicable federal and state law, lists the trans fat content as less  
24 than 0.5 grams of trans fat per serving.

25 (c) This section shall not apply to food provided as part of a  
26 ~~USDA~~ United States Department of Agriculture meal program.

27 SEC. 8. Section 49432 of the Education Code is amended to  
28 read:

29 49432. Every public school may post a summary of nutrition  
30 and physical activity laws and regulations, and shall ~~post the school~~  
31 ~~district's nutrition and physical activity policies, in public view~~  
32 ~~within all school cafeterias or other central eating areas.~~ *inform*  
33 *the public about the content of the school's local school wellness*  
34 *policy, established pursuant to the federal Healthy, Hunger-Free*  
35 *Kids Act of 2010 (Public Law 111-296), and make the local school*  
36 *wellness policy and any updates to the policy available to the*  
37 *public on an annual basis.* The department shall develop the  
38 summary of state law and regulations.

39 SEC. 9. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 this act implements a federal law or regulation and results in costs  
2 mandated by the federal government, within the meaning of Section  
3 17556 of the Government Code.

4 However, if the Commission on State Mandates determines that  
5 this act contains other costs mandated by the state, reimbursement  
6 to local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

O